

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

MICHAEL WALTER KACZMAREK,

Defendant-Appellant.

UNPUBLISHED

December 4, 2001

No. 217835

Grand Traverse Circuit Court

LC No. 94-006662-FH

Before: White, P.J., and Talbot and E.R. Post*, JJ.

MEMORANDUM.

Defendant appeals by right, after remand from the Supreme Court, his January 29, 1999 sentence for probation violation. *People v Kaczmarek*, 464 Mich 478; 628 NW2d 484 (2001). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In 1995, defendant was convicted by jury of delivery of marijuana, MCL 333.7401(2)(c), and sentenced to two years' probation, with 4 months in jail. In 1996, he pleaded guilty to a probation violation charge, and his probation was extended to sixty months, with a suspended one-year jail term. In 1998, defendant was charged with violating probation based on a new criminal conviction. He pleaded guilty and was sentenced to thirty-two to forty-eight months' imprisonment.

On appeal, defendant challenges the proportionality of his sentence. The sentencing court did not abuse its sentencing discretion. Given defendant's history, the sentence was proportionate to both the seriousness of the offense and the circumstances of the offender. *People v Britt*, 202 Mich App 714, 717; 509 NW2d 914 (1993).

Affirmed.

/s/ Helene N. White

/s/ Michael J. Talbot

/s/ Edward R. Post

* Circuit judge, sitting on the Court of Appeals by assignment.